



MANASOTA-88

A Project for Environmental Quality 1988-2088

MANASOTA - 88 NEWSPAPER

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Meeting - March 20, 2002

Sudakoff Conference Center University of South Florida
Room 124, 3. P.M.

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TENOROC _____ Tenoroc is a 6,000-acre tract of partially reclaimed phosphate strip mines donated to the State of Florida in 1982 by the Borden Chemical Company. The former phosphate site is known as the Tenoroc Fish Management Area (TFMA). The site consists of approximately 1,000 acres of former phosphate mine pit lakes and 5,000 acres of reclaimed land. TFMA is located in Polk County, Florida. Tenoroc is being evaluated by the Environmental Protection Agency (EPA) for a Superfund site. EPA has detected elevated levels of radiochemical and inorganic constituents in soil samples collected from several former tailing areas, clay settling ponds, and the former processing operation area. Sampling of the two clay settling ponds has identified elevated levels of radionuclides that exceed the EPA Superfund Chemical Data Metric Cancer Risk Screening Concentration value of 2.7 pCi/g for radium-226. The four tailing area samples identified elevated levels of radionuclides that exceed the EPA SCDM Soil Exposure Cancer Risk Screening Concentration ingestion value of 2.7 pCi/g for radium-226. The former operations area exceeds the EPA SCDM Soil Exposure Cancer Risk Screening Concentration ingestion value of 2.7 pCi/g for radium-226. Radium-226 was detected in potable well samples at a level which exceeds the EPA SCDM maximum contaminant level concentration of 0.16 pCi/L for the groundwater migration pathway.

ManaSota-88 has objected to the TFMA's continued violation of state water quality standards and elevated levels of radionuclides as identified in the EPA Draft Expanded Site Inspection (ESI) Report of the Borden Chemical Company / Tenoroc Mine.

Information

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TFMA has been recognized as having extremely high levels of radiation present. We are concerned that too little is being done or is being done to slowly to address a serious public health and environmental problem.

Dan Lobeck, attorney for ManaSota-88, has requested that the Florida Department of Environmental Protection:



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1. Conduct additional testing to determine the extent and source of pollution at TFMA. It was known as early as 1985 that the site was contaminated with strong acids and bases, fuel oils, and kerosene. Surface water analysis of two of fourteen on-site fisheries has revealed elevated levels of arsenic, cadmium, lead, and manganese, as well as several radiochemical compounds.
2. Immediately post signs in multiple locations advising the public that areas of TFMA are unsafe for swimming, fishing, and human contact.
3. Conduct inorganic and radiochemical surface water and fish tissue sampling. Given the high levels of pollution present at TFMA, several endangered or threatened species, as well as anyone consuming fish caught at TFMA, may be adversely impacted by the contaminated sites.
4. Conduct human health and ecological risk assessments at TFMA. Radium-226 and radium-228 have been identified at levels above the EPA cancer risk screening concentration of 0.16 and 0.19 pCi/L in the on-site TFMA private well and nearby private wells for groundwater migration pathway. Land mined for phosphate exhibits higher radioactivity at the surface than it did before mining. Phosphate mining exposes radioactive materials and can increase surface and ground water radiation levels. The elevated levels of radiation identified at TFMA poses a considerable threat to human health and the environment.
5. Develop a comprehensive health risk analysis on all Florida phosphate reclaimed mine sites. Fourteen reclaimed phosphate lands are currently in use by the public as recreational areas throughout Florida, these areas need further evaluation.
6. Determine employee exposure risks to toxic and hazardous substances as well as the potential for long-term health effects of living or working on-site at TFMA. EPA and FDEP should determine if TFMA is in compliance with the Occupational Safety and Health Act of 1970 and OSHA Regulations (Standards - 29 CFR).

PINEY POINT

PHOSPHATE _____ ManaSota-88 has notified the Environmental Protection Agency that priority needs to be given to performing a Preliminary Assessment and Site Inspection of the Piney Point Phosphate site and assigning Piney Point a Hazard Ranking System score. Piney Point should be placed on the National Priority List and declared a Superfund site.

Piney Point Phosphate has become an abandoned hazardous waste site. The phosphogypsum stacks contain about 1.2 billion gallons of contaminated process

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acidic waste water and is surrounded by mounds of radioactive waste containing radium.

Piney Point is a serious threat to human health and the environment. The former phosphate plant continues to be a hazard to the surface and groundwater of Tampa Bay, Terra Ceia Bay, and Bishops Harbor.

The phosphate plant should be permanently closed and the highly corrosive acidic waste water must be immediately removed to avert a catastrophic spill.

MANATEE SPEED

ZONES _____ ManaSota-88 strongly supports the proposed slow speed designations for Terra Ceia Bay and Peterson Bayou. The proposed slow speed designations will decrease the possibility of collisions between manatees and high speed boats.

Manatees are under critical pressure in Florida, the number of manatee deaths continues to increase. Loss of habitat and increased human activity directly affects the future survival of the species. A large portion of manatee mortalities have been attributed to collisions with water craft. Significant manatee habitat damage has been done by improper boat operation, boat marina expansion, and marina construction, such activities threaten the long term health of manatee habitat throughout Florida waterways. ManaSota-88 strongly urges the Florida Fish and Wildlife Conservation Commission to adopt slow speed designations for Terra Ceia Bay and Peterson Bayou.

WETLAND

BANKING _____ Representing ManaSota-88, Glenn Compton has objected to the issuance of a federal permit for the construction of a wetland mitigation bank in Hillsborough County.

Performance standards that adequately identify "successful" mitigation of a wetland, when all factors are considered, have not been developed by any federal, state, or local governmental agency. Until performance standards and criteria are implemented that identify successful recreation of wetlands, mitigation banking is bound to be a dismal failure.

The proposed mitigation bank will have a deleterious impact on wetlands. This project will encourage landowners of isolated wetlands to apply for mitigation bank credits. The result of the project will be that other areas will suffer a net loss of

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isolated wetlands and lose of function of these wetlands. The proposed mitigation bank encourages the destruction of existing wetlands of high environmental functions and values.

CHARTER

GOVERNMENT _____ A county charter form of government does not solve the problems associated with the impacts that rapid growth have on the quality of life in Florida. However, a charter government can provide local flexibility to tackle various issues associated with growth management.

Several counties have included environmental protection in their charters. Hillsborough County has provisions in its charter for the creation of a single local environmental protection commission for the county and its municipalities.

The Volusia County charter includes requirements to prevent the abuse of the environment from air, land or water pollution, and the county has created a Growth Management Commission to determine the consistency of the municipalities' and the county's comprehensive plans. Additionally, the Volusia charter sets minimum standards for environmental protection and creates a Water Policy Review Commission to protect water resources.

Sarasota's charter includes requirements for zoning disclosure and a mandatory recycling program. The Dade County charter has policy that addresses the need for adequate maintenance of parks, aquatic preserves and lands that are owned by the county for preservation. Dade County's charter protects its parks from commercial development and exploitation and strives to preserve the parks' natural landscape, flora and fauna, and scenic beauty.

Development proposals, such as the high-rise construction proposed for Perico Island in Bradenton, can and are likely to continue to occur under a charter form of government.

Regardless of the form of county government Manatee decides to pursue, Manasota-88 remains vigorously opposed to Arvida's development plans for Perico Island. Development should be curbed in a coastal high-hazard zone that is prone to flooding during significant storms. It is irresponsible for elected officials to continue to allow development that risks the lives of the present and the future residents in our region.

Recent discussions between officials in Manatee and its municipalities have begun to focus on updating interlocal agreements. This discussion is necessary regardless of the charter proposal. We recommend that Manatee and the municipalities continue

discussion to review existing interlocal agreements for the purpose of improving communication on growth management issues.

SCHOOL IMPACT

FEES _____ To no avail, Manasota-88 first recommended the adoption of school impact fees back in 1986. More than 15 years have past since our first recommendations, and millions of dollars for school capital improvements have been lost as a result of the School Board's inactivity on impact fees.

Opposition for school impact fees mainly comes from development and construction interests. This opposition is the primary reason the fees are not collected in Manatee and Sarasota counties.

The arguments against school impact fees are based on unsubstantiated fears that the additional costs will hurt home building, yet new home construction in Florida districts with impact fees continues to flourish. The slowdown of residential growth due to impact fees has yet to happen.

Impact fees are assessed on new homes to help fund new infrastructure such as roads, water and sewer lines, and other services. Why are schools, which are vital to a community's quality of life, any less important?

There is no reason why the Manatee School Board should hesitate in adopting school impact fees as an important source of revenue. Fifteen other Florida counties have adopted school impact fees, and those 15 counties account for the overwhelming majority of population growth in Florida.

The Manatee School Board is projecting the need to build at least 12 new schools to keep up with growth in the next decade. All equitable funding options, such as impact fees, need to be considered. New growth must pay its fair share for education.

WATER

QUALITY _____ A recent General Accounting Office (GAO) report to Congress on water quality clearly identifies that vital information is lacking in order to identify the nations most polluted waters. Inconsistencies in the way that states identify impaired waters is the primary reason for the lack of adequate water quality data. EPA estimates that over 20,000 bodies of water throughout the country are too polluted to meet water quality standards. Apparently, water quality standards and monitoring practices vary considerably among states. The GAO report brings into question whether the primary objective of the Clean Water Act is being met to restore and maintain the chemical, physical, and biological integrity of the nations waters.

Florida has a dismal record of monitoring and assessing public waterways. The GAO report states that only 10% of Florida's rivers and streams, 48% of Florida's lakes, and 33% of the estuaries are currently being assessed. It is unacceptable for policy makers to continue to ignore the need to clean up our waterways.

ANTI - CITIZEN

PARTICIPATION BILL _____ ManaSota-88 has stated strong opposition to Senate Bill 270. This bill amends the Environmental Protection Act to limit the citizens of Florida the opportunity to intervene only in an ongoing proceeding. SB 270 specifies that a citizen is not authorized under the Environmental Protection Act to institute, initiate, petition, or request an Administrative Procedures Act (Chapter 120 F.S.) proceeding. The Administrative Procedures Act allows citizens whose rights are substantially affected by preliminary decisions of administrative agencies to challenge those decisions. SB 270 overrules the 1986 First District Court of Appeals decision in *ManaSota-88, Inc. v. Department of Environmental Regulation*. The First District Court of Appeals ruled that ManaSota-88 had standing to intervene and initiate a hearing under a s. 120.57, F.S. proceeding.

Legislation that limits the rights of citizens to challenge decisions which can be detrimental to the public's health and the environment, is undesirable. ManaSota-88 supports effective public participation in the affairs of government to the fullest extent possible.

MISSION

IMPOSSIBLE II _____ Florida received a "D" for its efforts to control runoff, the single largest source of water pollution in the state, in a report released by Coast Alliance, a national organization working to protect America's coasts. The report, titled *Mission Possible II*, analyzed plans for managing runoff pollution in Delaware, Florida, Massachusetts and Ohio.

Polluted runoff – contaminated water running off farms, parking lots, streets, logging sites and other lands – degrades water quality in more places than factories. Studies show that agriculture is a cause of 70% of water quality problems in the nation's rivers and streams. The result of runoff can be closed beaches, harmful algae blooms, contaminated drinking water, fish kills, closed shellfish beds, and more.

ManaSota-88 greatly appreciates the efforts of Coastal Alliance in protecting the nations waters.

Tax deductible contributions to ManaSota-88 should be mailed to P.O. Box 1728
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